62. (new) A method according to claim 61, wherein the toxin is selected from the group consisting of ricin, abrin, saporin toxin, diptheria toxin, *Pseudomonas aeruginosa* exotoxin A, ribosomal inactivating proteins and a mycotoxin.

63. (new) A method according to claim 62, wherein the toxin is a mycotoxin.

64. (new) A method according to claim 63, wherein the mycotoxin is a trichothecene.

65. (new) A method according to claim 50, wherein the therapeutic agent is a radionuclide.

66. (new) A method according to claim 65, wherein the radionuclide is selected from the group consisting of ^{123}I, ^{131}I, ^{99m}Tc, ^{111}In and ^{76}Br.

67. (new) A method according to claim 50, wherein the CD30-L polypeptide comprises a soluble fragment of the human CD30-L of SEQ ID NO:8.

68. (new) A method according to claim 67, wherein the soluble fragment of human CD30-L is fused with a human IgG1 Fc region.

69. (new) A method according to claim 50, wherein the CD30-L polypeptide is in the form of an oligomer comprising two or more CD30-L polypeptides, wherein the CD30-L polypeptides are each selected from the group consisting of:

a) the murine CD30-L of SEQ ID NO:6;
b) the murine CD30-L of SEQ ID NO:19;
c) the human CD30-L of SEQ ID NO:8;
d) the human CD30-L of SEQ ID NO:23; and
e) a fragment of the CD30-L of (a), (b), (c), or (d), wherein said fragment binds CD30.--

REMARKS

In an Office Action issued October 31, 2001, the examiner has issued a second restriction requirement under 35 U.S.C. § 121, and required the applicants to choose among three groups of claims. The applicants have elected Group II without traverse. The claims of Group II are directed to methods of delivering a therapeutic agent using a conjugate of CD30-L and a therapeutic agent. Originally, the claims in Group II encompassed the delivery of a therapeutic *or* a diagnostic agent to cells.

To accommodate this second restriction requirement, the independent claims of Group II (claims 27 and 28) have been amended to delete reference to conjugates comprising a diagnostic agent. The amendments to claims 27 and 28 include deleting the term "diagnostic" from the claims, in order to accommodate the restriction requirement. Claims 27 and 28 also have been amended to specify that one or more therapeutic agents may be conjugated to the CD30L. This amendment is supported in the specification at page 15, lines 7-8, which states that combinations of drugs may be employed. Thus, these amendments to not constitute the addition of new matter to the claims. Claim 46 has been cancelled because in view of the amendment to claim 27, claim 46 is redundant.

New claims 50-69 have been entered into the application as indicated above. Support for new claims 50-65 is found in the specification, for example, at page 14, line 35 to page 15, line 13; and page 15, lines 32-34. Further support for new claims 67 and 69, which recite specific sequences, is found, for example, in originally filed claims 28 and 32, and in the Sequence Listing. Soluble CD30L polypeptides, recited in new claims 67 and 68, are described in the specification, for example, at page 4, lines 17-18; page 7, line 10 to page 8, line 19; and in Example 11, at pages 42-43. Further support for new claim 69 is found in originally filed claim 32 and in the specification at page 6, line 32 to page 7, line 9; and page 16, line 20 to page 17, line 15. Accordingly, new claims 50-69 do not constitute the addition of new matter to the application.

CONCLUSIONS

Claims 27-30, 32-46 and 50-69 are now pending in the application and are believed to be in condition for allowance. If the examiner has any questions or concerns about the present claims, she is asked to contact the undersigned at her direct dial number given below.

Respectfully submitted,

Diana K. Sheiness

Diana K. Sheiness, Ph.D.
Registration No. 35,356
DIRECT DIAL (206) 470-4818

Law Department
Immunex Corporation
51 University Street
Seattle, WA 98101

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO SECOND RESTRICTION REQUIREMENT AND AMENDMENT is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Date: November 20, 2001 Signed: _____
D.F. Lindholm

Appendix to Response to Second Restriction Requirement

and Amendment filed November 20, 2001

(marked up version of claims amended by the attached Amendment)

27. (TWICE amended) A method of delivering a [diagnostic or] therapeutic agent to $CD30^+$ cells, comprising contacting said cells with a conjugate comprising one or more [a diagnostic or] therapeutic agents [agent] attached to a CD30 ligand (CD30-L) polypeptide.

28. (TWICE amended) A method of delivering a [diagnostic or] therapeutic agent to $CD30^+$ cells, comprising contacting said cells with a conjugate comprising one or more [a diagnostic or] therapeutic agents [agent] attached to a CD30-L polypeptide, wherein said CD30-L polypeptide is a soluble fragment of the human CD30-L of SEQ ID NO:8.